8897771/2024/VIG-II-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated against Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District and Sri Mullapudi Satyanarayana, Asst.Marketing Supervisor(now Retired), AMC, Addanki, erstwhile Prakasam District for certain allegations of irregularities found during the surprise check conducted by A.C.B. officials at Check Post of AMC, Addanki on 03.06.2016 – Case entrusted to Commissioner of Inquiries-JS – Inquiry report - Imposing of penalty – Orders – Issued.

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AGRICULTURE & CO-OPERATION(VIG.II) DEPARTMENT

G.O.Rt.No.375 **Dated:17.05.2024**

Read the following:-

1. Letter C.No.65/DES-NPK/2016, dated:13.12.2017 of the Director General, ACB, A.P., Vijayawada.
2. G.O.Rt.No.128, Agri.& Coop.(Vig.II) Dept., dated:08.03.2018.
3. G.O.Rt.No.129, Agri.& Coop.(Vig.II) Dept., dated:08.03.2018.
4. Written statement of defence dated:10.10.2018 of Sri Gonavath Chinna Naik, former Special Grade Secretary, AMC, Addanki, Prakasam District.
5. Written statement of defence dated:10.10.2018 of Sri Mullapudi Satyanarayana, Asst.Marketing Supervisor, AMC, Addanki, Prakasam District.
6. G.O.Rt.No.843, Agri.& Coop.(VIg.II)Dept., dated:20.11.2018.
7. G.O.Rt.No.301, Agri.& Coop. (Vig.II) Dept., dated:16.04.2019.
8. Inquiry report dated:25.03.2022 of the Commissioner of Inquiries-JS.
9. Govt.Memo No.AGC01-32/1/VIG.II/2018, dated: 10.04.2022.
10. Govt.Memo No.AGC01-32/1/VIG.II/2018, dated: 28.06.2022.
11. Representation dated:26.05.2022 of Sri M. Satyanarayana, AMS(Retired), AMC, Addanki, erstwhile Prakasam District.
12. Representation dated:23.07.2022 of Sri Gonavath Chinna Naik, Special Grade Secretary(Retired), AMC, Addanki, Prakasam District.
13. Govt.Memo No.AGC01-32/1/VIG.II/2018, dated: 09.02.2023.
14. Representation dated:02.03.2023 of Sri Gonavath Chinna Naik, Special Grade Secretary(Retired), AMC, Addanki, Prakasam District.
15. Govt.Memo No.AGC01-32/1/VIG.II/2018, dated: 18.04.2023.
16. Representation dated:15.05.2023 of Sri M. Satyanarayana, AMS(Retired), AMC, Addanki, erstwhile Prakasam District.
17. Govt.Memo No.AGC01-32/1/VIG.II/2018, dated: 21.12.2023.
18. Representation dated:24.01.2024 of Sri Gonavath Chinna Naik, Special Grade Secretary(Retired), AMC, Addanki, Prakasam District.
19. Letter No.DS(1)1117504/2018, dated:27.02.2024 of the Director of Marketing, A.P., Guntur.
20. Govt.letter No.AGC01-32/1/Vig.II/2018(346060), dated:04.03.2024)
21. Letter No.GAD03-APPS0DCC/8/2024-DC.SEC-APPSC (Computer No.2387791), dated:30.04.2024 of the Secretary, A.P.P.S.C., Vijayawada.

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O R D E R:

In a disciplinary case, based on the recommendations of the Director General, ACB, A.P. made in the detailed surprise check report dated:13.12.2017 on certain allegations of irregularities found during the

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surprise check conducted by A.C.B. officials at Check Post of AMC, Addanki on 03.06.2016, Government had initiated departmental proceedings by framing the following article of charges against Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District and Sri Mullapudi Satyanarayana, Assistant Marketing Supervisor(now Retired), AMC, Addanki vide references 2nd and 3rd read above respectively:-

I. In respect of Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District:

Article of Charge:

"That Sri Gonavath Chinna Naik while functioning as a Special Grade Secretary in Agricultural Market Committee, Addanki of Prakasam District during the period from 24.11.2014 to 03.06.2016, committed grave misconduct, in as much as he did not supervise the functioning of the check post under his control properly and gave scope to his subordinates to collect illegal gratification through private persons from the drives of the vehicles laden with agricultural products in the Check post of Agricultural Marketing Committee, Addanki at Muppavaram (v) of J.Pangalur Mandal as being a superior office.

Thus, Sri Gonavath Chinna Naik, by his above mentioned acts, has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Govt. Servant and thereby contravened Rule 3 (1) (2) & (5) of APCS (Conduct) Rules, 1964 r/w A.P.(Agriculture Produce & Live Stock) Marketing Rules, 1969".

II. In respect of Sri Mullapudi Satyanarayana, Asst. Marketing Supervisor(now Retired), AMC, Addanki:

Article of Charge:

"That Sri Mullapudi Satyanarayana, while functioning as an Assistant Marketing Supervisor, in the Addanki, Agricultural Market Committee, check post at Muppavaram (v) of J.Pangalur Mandal of Prakasam District during the period from 24.11.2014 to 03.06.16, committed grave misconduct in such as he had kept an unauthorized person viz. Dhulipalla Avinash S/o Nageswara Rao, 26 years, Kamma, Kondamanjulur (V), J.Pangalur Mandal in the check post and was collecting amounts illegally(mamools) from the vehicles laden with Agricultural products through the said private person.

Thus, Sri Mullapudi Satyanarayana, by his above mentioned acts, has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Govt. Servant, failed to account for the cash in his possession and thereby contravened Rules 24 of the A.P.C.S (Conduct) Rules, 1964".

2. Both the Charged Officers have submitted their written statements of defence in the references 4th & 5th read above denying the charges framed against him.

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3. Since the Charged Officers have denied the charges framed against them, in the reference 6th read above, Government have appointed Sri K. Sahadeva Reddy, Joint Secretary to Governor(Retired), Commissioner of Inquiries as Inquiring Authority to inquire into the charges framed against the above said two Charged Officers and also appointed the Deputy Director of Marketing, Guntur as Presenting Officer to present the case before the Inquiring Authority on behalf of the disciplinary authority in support of the article of charges framed against the Charged Officers.

4. Subsequently, in the reference 7th read above, Government issued modification orders re-assigning the case to Sri J. Satyanarayana, IPS(R), Commissioner of Inquiries in place of Sri K. Sahadeva Reddy, Joint Secretary to Governor(Retired), Commissioner of Inquiries to conduct inquiry in to the charges framed against the above said two Charged Officers.

5. After conducting the inquiry, the Commissioner of Inquiries-JS has furnished the inquiry report dated:25.03.2022 concluding that, the charge held not proved against the Charged Officer viz. Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District and the charge held proved against the Charged Officer viz. Sri Mullapudi Satyanarayana, Assistant Marketing Supervisor(now Retired), AMC, Addanki.

6. In the references 9th & 10th read above, a copy of the inquiry report dated:25.03.2022 was communicated to the Charged Officers directing them to submit their written representation(s) on the findings of the Commissioner of Inquiries-JS in the inquiry report.

7. In the reference 11th read above, the Charged Officer Sri Mullapudi Satyanarayana, Asst. Marketing Supervisor(now Retired), AMC, Addanki has submitted his representation denying the findings of the Commissioner of Inquiries-JS in the inquiry report and requested that, he may be exonerated from the article of charge.

8. In the reference 12th read above, the Charged Officer Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District has submitted his representation stating that, the Commissioner of Inquiries-JS observes that the Charge-I framed against the CO-1 is held as not proved". Therefore, he has requested to consider the findings of the Commissioner of Inquiries-JS and exonerate him from the article of charge.

9. Government, after careful examination of the matter with reference to the record of inquiry, have observed that, the findings of the Inquiring Authority in respect of C.O.-1 Sri Gonavath Chinna Naik, former Special Grade Secretary are not acceptable for the following reasons. Accordingly, in the reference 13th read above, the Charged Officer was directed to submit his representation, if any, on the disagreement factors on the findings of Inquiring Authority, to the Government:-

i. The inquiry authority observed that the CO-1 could not supervise his subordinate staff due to the vastness of his area and more over he is not present at the scene of the offense and none of the witnesses had deposed against him. The CO-1 in his representation has stated that he had visited the check post, AMC, Muppavaram Village, J.Pangalur

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Mandal, Prakasam District on 03.05.2016, 13.05.2016, 19.05.2016 & 30.05.2016, that is four times in the month of May, 2016. From the above statement of the CO-1, it is clear that he is frequently visiting the said check post, on every week. Therefore he should have complete knowledge of the affairs of the check post and should have full information on the working of the Private person in this check post to collect illegal money. Hence the findings of the Inquiring Authority that the CO-1 could not supervise his subordinate staff effectively due to the vastness of the area is not correct. As the CO-1 has been a weekly visitor to the Check Post, as a Controlling Officer, he should have total control over the staff and its activities. Hence the CO-1 is also to be held responsible along with CO-2.

ii. Further the provision contained in Rule 12 of A.P.C.S.(Conduct)Rules, 1964 clearly prohibits a public servant to accept private employment for himself or engaging a private person for public duties.

iii. Hence both CO-1 & CO-2 are found guilty of the charges framed against them as they caused pecuniary loss to the funds of AMC by not collecting the 1% cess on the market value of the agricultural products being transported by collecting bribes from the drivers by engaging an unauthorized private person.

10. In respect of C.O.2 Sri Mullapudi Satyanarayana, Assistant Marketing Supervisor(now Retired), AMC, Addanki, Government have provisionally decided to impose a penalty of "withholding of 50% (fifty %) pension permanently" against him under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, in the reference 15th read above, a Show Cause Notice was served on him with a direction to show cause as to why a penalty of withholding of 50% (fifty %) pension permanently under Rule 9 of A.P.Revised Pension Rules, 1980, should not be imposed against him.

11. In response to the disagreement factors on the findings of Inquiring Authority, the Charged Officer Sri Gonavath Chinna Naik, the then Special Grade Secretary, AMC, Addanki (now Retired) has submitted his representation dated:02.03.2023 and requested to consider the report of the Commission of Inquiries as good and as per law and to drop all the initiatives to be imposed against him.

12. Government, after careful examination of the matter with reference to the record of inquiry, have provisionally decided to impose a penalty of "withholding of 50% (fifty %) pension permanently" against the Charged Officer viz. Sri Gonavath Chinna Naik, former Special Grade Secretary (now Retired), AMC, Addanki, erstwhile Prakasam District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, in the reference 17th read above, a Show Cause Notice was served on him with a direction to show cause as to why a penalty of withholding of 50% (fifty %) pension permanently under Rule 9 of A.P.Revised Pension Rules, 1980, should not be imposed against him.

13. In response to the Show Cause Notice dated:18.04.2023, the C.O.2 viz. Sri M. Satyanarayana, former AMS, AMC, Addanki, erstwhile Prakasam District has submitted his representation dated:15.05.2023 and requested that he may be exonerated from the Charge leveled against him and consider his representation in the interest of his lively-hood.

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14. In response to the Show Cause Notice dated:21.12.2023, the C.O.1 viz. Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District has submitted his representation dated:24.01.2024 and requested to consider the inquiry report of the Commisioner of Inquiries as good and as per the law and to drop all the initiatives to be imposed against him.

15. Government, after thorough examination of the matter with reference to the record of inquiry, have observed that the C.O.2 Sri Mullapudi Satyanarayana, Assistant Marketing Supervisor(now Retired), AMC, Addanki has not adduced any further evidence in support of his contention and he has not put-forth new grounds in his representation dated:15.05.2023 for consideration. In respect of the C.O.1 Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District, Government have observed that there are no new evidences or grounds brought on record for the disagreement factors in his representation dated:24.01.2024. Therefore, Government have decided to confirm the provisional decision to impose a penalty of "withholding of 50% (fifty %) pension permanently against the two Charged Officers viz. Sri M. Satyanarayana former Assistant Marketing Supervisor(now Retired), AMC, Addanki, erstwhile Prakasam District and Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, in the reference 20th read above, the A.P.Public Service Commission was addressed for their concurrence on the decision of the Government.

16. In turn, in the reference 21th read above, the Secretary, A.P.Public Service Commission, Vijayawada has informed that, after careful examination of the disciplinary case in the light of the records made available, Commission agrees with the proposal of the Government to impose the penalty of "Withholding of 50% (fifty %) pension permanently against the two Charged Officers viz. Sri Mullapudi Satyanarayana former Assistant Marketing Supervisor(now Retired), AMC, Addanki, erstwhile Prakasam District and Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District respectively and advise accordingly.

17. After thorough examination of the entire matter with reference to the record of inquiry, Government have decided to impose a penalty of "Withholding of 50% (fifty %) pension permanently against the two Charged Officers viz. Sri M. Satyanarayana former Assistant Marketing Supervisor(now Retired), AMC, Addanki, erstwhile Prakasam District and Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

18. Accordingly, Government hereby order to impose a penalty of "Withholding of 50% (fifty %) pension permanently against the two Charged Officers viz. Sri M. Satyanarayana, former Assistant Marketing Supervisor(now Retired), AMC, Addanki, erstwhile Prakasam District and Sri Gonavath Chinna Naik, former Special Grade Secretary(now Retired), AMC, Addanki, erstwhile Prakasam District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

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19. The Director of Agriculture Marketing, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

BABU A
SECRETARY TO GOVERNMENT

To
Sri M. Satyanarayana,
former Assistant Marketing Supervisor(now Retired),
AMC, Addanki, erstwhile Prakasam District and
Sri Gonavath Chinna Naik,
former Special Grade Secretary(now Retired),
AMC, Addanki, erstwhile Prakasam District.
(Through : The Director of Agricultural Marketing, A.P., Guntur)

Copy to:-
The Director of Agricultural Marketing, A.P., Guntur.
The Director, ACB, A.P., Vijayawada.
The Secretary to Vigilance Commission,
A.P.Vigilance Commission, A.P.Secretariat.
The Secretary, A.P.Public Service Commission, Vijayawada.
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER